THE DVTIES OF Constables, Borsholders, *Tythingmen, and such o-* ther lowe and Lay Ministers of the Peace.

Whereunto be adioyned, the seuerall offices of Chutch Ministers and Churchwardens, and Ouerseers for the Poore, Surueighours of the highwaies, and distributors of the prouision against noysome fowle and vermine.

First collected by WILLIAM LAMBARD *Of Lincolnes Inne Gent.*

And now enlarged in the yeare 1606.

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Cum Priuilegio.

highconstable. 675. 678.
Decemory of pmodi. 677.
vitm de plantplodge. 679.
Constables de lr auctoritie doe. pt arrest. 682. d. ead mab.
emplemdy le menge de emdr affraier sd pisnet in amb Com.
arrest vn indict de felonie by suspect felonie
ad seise lor bac. 687.
insuff in Constable pt te. remedz. 689.
detein le felon tang il have smartie. 691.
pt hiff in taking. 692.
doint attend lob iostic. 693.
servic taxab m. te. de. plague. 694.
pt taxe le viff pr corial sessionb ad gaol. 697.
High Const. de Cestet pr felz in gaole. 698. 702.
teigen petic sessions. e ejectm de felz in mainchelsea
Emdr findemt de estreate pr highmayob. 701. 694.
pt Compert archedse de lodger gaocaste. 703.
dom testimonial ad servic. 703.
Cooper artificeb taken in harvest. 704.
Cshier surveiorb pr highmaob. 705.
taxer sinkabille pr soberie. 706.
Scotcher marke. 707.
rpho be plagueb. 708. tobe whipt by Const. 709.
testimonial of a plague vshipt. 710.
xo. roagemishe rokeb. 713.
Ejectm popist recusante. 718.
Scotcher monethe pr iustices gaoleb. 718.
servicy le fresh st tipstaffb. 721.
rshipp hedgebreakerb. 722.
de high Constables charge. 724.
Church ministerb. 725.
Church wardenb. 727.
surveiorb pr highmaob. 729.

¶ The duties of Constables, Borsholders, Tythingmen, and such other low *Ministers of the* Peace.

VNderstanding by sundry friends of mine, that many well disposed men do earnestly, wish, that some one short and plaine collection might be made of the dueties of High Constables, petie Constables, Borsholders, Tythingmen, Hedborows, and such like inferiour Ministers of the Kings Maiesties Peace: to the end that when any of them should be called to any of the said offices (or the like) they might the better behaue themselues in doing the same: I haue thought it a thing worthy the labour, to send abroad among them this little Treatise, which I haue drawne to satisfie in some part their honest desire: hartily praying vnto God, that as their knowledge may be increased in the reading hereof, so also their diligence may bee amended in the

The preface. I

practise of the same, to the setting forth of the glorie of God, and to the aduancemẽt of the Kings Maiesties seruice in this behalfe.

The diuision of this worke.

2 And because I purpose (by the help of God) to make this worke so short, and so plaine withall, as the matter therof it selfe will suffer me, and as the vnderstãding of vnlearned mẽ doth require: I wil first speake somewhat, both of the sundry names & beginnings of these officers, & then afterward I will go in hand with the parts of their seuerall duties.

The names of the Officers.

3 The sundry names of Constables, or High Constables, that be of Laths, Rapes, Wapentakes, Hundreds, and Frãchises: and the diuerse names also of Cõstables, pety Constables, Tythingmen, Borsholders Boroheads, Headborowes, chife pledges, & such other (if ther be any) ỹ beare office in townes, parishes, hãlets, tithings, or borowes (for of Cõstables, of Castles, otherwise called castellans, & such others I meane not to entreat) are all (in effect) but two, that is to say, Constables & Borsholders: for these two words do containe as muchas al ỹ rest of those names, & to those two al the rest of them may be reduced: and therefore, in speaking seuerally of those two, I will passe along and touch all the rest also.

4 The name Conſtable, is made (as I haue read) of two Engliſh words put together, namely, Cuning, (or Cyng) & Staple, which do ſignifie, the ſtay (or hold) of the king. For by the auncient cuſtome of this Realm, there is a great officer, called the conſtable of England, who by meanes of the high authoritie that he had, was a principall ſtay vnto the Kings gouernment: and this man had iuriſdiction & authoritie in deeds of Armes, & matters of warre, both within & without the realme. Out of which office, this lower cõſtableſhip was at the firſt drawn & fetched, and is (as it were) a verie finger of that hand. For the ſtatute of *Wincheſter*, which was made in the time of K. Edward the firſt, & by which theſe lower Conſtables of hundreds and Franchiſes were firſt ordained, doth (amõgſt other things) appoint, (that for the better keeping of the Peace, two Conſtables in euery Hundred and Franchiſe, ſhould make the view of Armour. So then, the name of Conſtable in a hundred or Franchiſe doth meane, that he is an officer, that ſuppoꝛteth the Kings Maieſtie in the maintenance of his peace, within ỹ pꝛecinct of his hundꝛed oꝛ franchiſe: & he is many times called the high Conſtable, in cõpariſon of the Cõſtables, oꝛ pety Conſtables, that be in the townes,

Conſtables name.

31. R. 2. cap. 12.

13. E. 1.

His beginning.

or parishes within his hundred or franchise: whose part it likewise is, to maintaine the peace within the seuerall limits of their owne townes or parishes.

Borsholders name. 5 As touching Borsholder (which is ye other general name, & doth contain within it ye meaning of Tythingmen, Borowheads, Headborowes, Thirdborowes, & chiefpledges) that also is made vp of these two English words, Borhes, & Ealder, of the which, Borhes betokeneth pledges, & Ealder signifieth the Chiefe, the Head, or the Ealder: & Borshsealder in one word, doth meane the chiefe (or head of the sueties, or pledges.

His two offices. 6 But now, that you may the better vnderstand what is meant by this, you must further know, that euery of these Borsholders, Tithingmen, Borowheads, hedborows, Thirdborowes, & chiefpledges, hath two seuerall offices at this day: the one being his ancient and first office, and the other his latter made office.

His first office. 7 His first office beganne thus: by the auncient lawes of this realme (before the cõming in of king William the Conquerour) it was ordained for ye more sure keeping of the Peace, & for the better repressing of theeues & robbers, that all free born men should cast themselues into seuerall companies, by ten in each companie: and Archaionomia.

that

that euery of those ten men of the compa-nie, should be suertie and pledge for the forth-comming of his fellowes: so that if any harme were done by any of these ten against the peace, then the rest of the ten should be amerced, if he of their companie that did the harme should flie, and were not forth-comming to answere to that wherewith he should be charged.

And for this cause, these companies be yet in some places of England (& namely with vs in Kent) called Boroes, of the said word Borhes, Pledges, or suerties: albeit in the westerne parts of the realme they be commonly named Tythinges because they containe (as I told you) the number of ten men with their families. And euen as ten times ten do make an hundred: so, because it was then also appointed that ten of these companies should at certaine times meete together for their matters of greater waight, therefore that general assembly (or court) was (and yet is) called a Hundred.

Furthermore it was thē also ordained, that if any man were of so euill credit, ỹ he should not get himself to be receiued into one of these Tythings or Boroes, thē he should be shut vp in prisō, as a mā vn-worthy to liue at libertie, amongst men abroad.

Tithingman. Headborow, &c.

8 Now whereas euery of these Tithings (or Boroes) did vse to make choise of one man amõgst themselues, to speak, & to do, in the name of them all: he was therefore in some places called the Tithingman, in other places the Boroes Elder (whom we now call Borsholder) in other places the Borohead or Hedborow, & in some other places the chief pledge, which last name doth plainly expound the other three that are next before it: for head or Elder of the Boroes, & chiefe of the pledges, be all one, And in some shires, where euery Thirdborow hath a Cõstable, there the officers of the other two be called Thirdborows.

Did orders in Tithings.

9 Moreouer, in these Tithings (or Boroes) sundry good orders were obserued, & amongst others: first, that euery man of the age of xy. yeares should be sworne to the King: that then no man should be suffered to dwell in any towne or place, vnlesse he were also receiued into some such fuerthship & pledge as is aforesaid. Thirdly, that if any of these pledges were imprisoned for his offence, then he ought not to be deliuered without the assent of the rest of his pledges. Again, that no man might remoue out of one Tithing (or Borde) to dwel in another, without lawful warrãt in that behalfe. Lastly, that euery of these pledges should yearely be presented and brought

Itin Kanc.

Vid. 4 5. Ed. 3. 17. Et Kitch. Fol. 12.

brought forth by their chiefe pledge at a generall aſſembly for that purpoſe, which wee yet in rembrance thereof doe call, the View of Frankpledge, or the Leet Court.

10 Hitherto I haue opened the ancient Office of the *Borſholder*, *Tythingman*, & the reſt, whereof alſo there is yet to this day ſome ſhew or remnant in our *Leetes* (or *Law* dayes) but if the verie ſubſtance thereof were throughly performed (as I knowe no let, but that by law it may) then ſhould the Peace of the Land bee much better maintained then now it is.

As touching the latter office that theſe Borſholders, Tythingmen, Headborows, Boroheds, Thirdboroes, & chiefe Pledges haue, it is in maner al one with the office of a Conſtable of a town, or pariſh, which is commonly named a petie Conſtable, or vnder Conſtable, becauſe hee is a ſmall Conſtable in reſpect of the Conſtable of his hundred, within whoſe limit he is. His latter office.

For as about the beginning of the raign of king Ed. 3. petie Conſtables were deuiſed in towns & pariſhes for the aide of the Conſtables of the Hundred: ſo of latter times alſo, Borſholders, Tythingmen, Headborowes, & ſuch like haue bene vſed as petie Conſtables, within their owne Boroughs and tythings. And yet not ſo vniuerſally, but that ſome of them haue at

this day none other but their olde office. For in some of the Westerne partes of England, you shal see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the King, and the rest do serue but as the ancient Tythingmen did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the peace, let vs also come to the parts of their common and seuerall dueties.

Diuision of their office.

11 For as much as a great and chiefe part of the duetie both of these high Constables, of Lathes, Rapes, Wapentakes, Hundreds, and Franchises: and also of these Constables, petie Constables, Tythingmen, Borsholders, Borowheads, Headboroughes, Thirdborrowes, Chiefe Pledges, and such like ministers, by what soeuer other names they be called in any townes, parishes, Tythings, Borowes, Hamlets, or other places of the Realme, doth consist in the maintenance of the Kings Maiesties peace, wherein (as also in some other points) the power of them al is alike, and but one, within their seuerall limits and places of authoritie, therfore I thinke it good to shewe first, what their common and equal duetie is in matters concerning the peace, either by their owne authoritie, or vnder the authoritie

of

of others: then afterward to declare, what their common and like duetie is in some other things not concerning the peace: lastly, to open those things wherein they haue a distinct and seuerall duetie, one from another of them.

Their office concerning the Peace.

12 The Conseruation (or maintenãce) of the peace standeth in three things, that is to say: first, in foreseeing that nothing be done, that tendeth either directly, or by meanes, to the breach of the peace: secondly, in quieting or pacifying those that are occupied in the breach of the peace: and thirdly, in punishing such as haue already broken the peace.

What is the breach of the peace

And here, least any man should bee deceiued in not vnderstãding what is meãt by these words, The breach of the peace, he must first of all know, that by ý breach of the peace, is vnderstood, not onely that fighting, which wee commonly call the breach of the peace, but also that euerie murder, rape, manslaughter, ond felonie, whatsoeuer, and euerie affraying (or putting in feare) of the K. people, whether it be by vnlawfull wearing of Armes, or by assembling of people to do any vnlawfull act, are taken to be disturbances or breaches of the peace.

To preuẽt things against the Peace.

13. H. 7. 10. Cur;

13 But now, for the better preuenting that nothing be done against the Peace, any

any of these Officers aforesaid may take (or arrest) suspected persons, which walk in the night, & sleepe in the day: or which do haunt any house, where is suspition of bawdrie: and they may carry them before a Iustice of the Peace, to finde suerties of their good behauiour. And if any such Officer be not of sufficient strēgth to do that alone, then may hee take meete aide of his neighbors thereto: & they, in such cases, be compellable to help and assist him.

Any of these Officers may also arrest such strange persons as do walke abroad in the night season: and for that cause the said statute of *Winchester* did ordain, that night watches should be kept yearely, frō the feast of the Ascention vntil Michaelmas, by fiue men at euerie gate of euerie Citie, by twelue men in euery Borough towne, and in euerie other towne by fiue men, or foure men, or according to the number of inhabitāts in the town, all the the night long, from Sun setting to Sun rising: so that if any stranger did passe, he should bee arrested till the morning, and then set at large (if no suspitiō were foūd of him) but if any suspition fel out against him, then he should be imprisoned, till hee might be lawfully deliuered. And of these Watches, the officers before named haue the charge within the limits (or places) of

Fitz. in Iust. del P. 171.

13. Ed. 1.

of their authorities, as the Conſtable in his towne, the Borſholder in his borow, & the high Conſtable within al his Hundred: and theſe Officers ought to ſee theſe Watches duly ſet and kept, and ought alſo to cauſe Hue and Cry to be raiſed after ſuch as will not obey the arreſt of ſuch watchmen.

Stat. North. 2. E. 3. ca. 3. Againe, if any perſon whatſoeuer, (except the Kings ſeruants and miniſters in his preſence, or in executing his precepts, or other offices, or ſuch as ſhal aſſiſt them: and except it be vpon Hue and Cry made to keepe the peace, & that in places where acts againſt the Peace do happen) ſhal be ſo bold, as to goe, or ride armed, by night, or by day, in Faires, Markets, or any other places: then any Conſtable, or any other of the ſaid Officers, may take ſuch Armour from him, for the Kings vſe, and may alſo commit him to the Goale. And therefore, it ſhalbe good in this behalfe, for theſe Officers to ſtay & arreſt all ſuch perſons as they ſhall finde to carry Dags or Piſtols, or to bee apparrelled with priuie coates, or doublets: as by the proclamatiõ (made in the xvi. yeare of the Raigne of the late Queene Eliz.) they are ſpecially commaunded. 21. El. Reg.

17. R. 2. c. 8. Furthermore, if any great aſſembly or rumor of people be made in manner of inſurrection,

surrection, then the Sherifes, Constables, & these said other Ministers, hauing knowledge therof, ought to go with the strēgth of the Countie, and to set themselues against it, and ought also to take and imprison such offendors.

Lastly, if any man doe threaten to kill another, and he which is so threatned doe pray any of these Officers to arrest the other to finde sureties of the Peace: then may such an officer arrest him to find such suretie before a Iustice of the Peace, and may also carry him to prison, if hee refuse to find it: But if he yéld to goe, it shall be good to take the partie threatened, to the Iustice with him. Barre 202. en Fitzh. 22. Ed. 4. 35. Brian.

To pacifie and punish the breach of the peace

14 Thus much I haue spoken of those things which do bend towards the breach of the peace: but now I will come nearer to the breach it selfe, & withall to the pacifying and punishing of the same.

If therefore a Constable, or any other of the said officers, shal sée any men going about to breake the peace, as by vsing hoat words, by which an Affray is like to growe: then ought such Officers to commaund those persons to auoid, vpon pain of imprisonment: and if they will not depart, but shall drawe weapon, or giue any blowe, then ought he to doe his best to depart them, and to kéepe them asunder: &

he

he may (for that purpoſe) both vſe his own weapon, and may alſo call others to aſſiſt him. In which doing, if any ſuch Officer, or other perſon comming on his part, doe take hurt, he ſhall haue good remedie by action againſt him that did the hurt: but if any of them that made the Affray, bee hurt by ſuch officer, or by any of his cõpany, then ſuch a hurt perſõ hath no remedy at all for it.

8.H.7.10.
21.H.7.21.

And if he that maketh an Affray, do flie into a houſe, when ſuch an officer cõmeth to arreſt him: then may that officer breake open the doores to take him: and if he that made the Affray, do flie from thence alſo, yet may the Officer followe him, and in freſh ſuit take him, though it bee in another Shire or Countie.

13.Ed.4.9.

So, if two men be fighting together in a houſe (the doores being ſhut) yet may ſuch an Officer breake open the doores to cauſe the peace to be kept, though none of the parties haue takẽ hurt. And in both theſe caſes, ſuch an officer may carry them before a Iuſtice of the Peace to finde Suretie for the peace, becauſe they haue brokẽ the peace already, and are mæte to be bound that they ſhall not breake it againe.

But if any of the parties to an Affray, haue receiued any daungerous hurt, then ought ſuch Officer to arreſt him that did the

Fitz.72.
38.Ed.3.
6.& 22.
lib.aſſ.56.

the hurt, and to carry him to the Gaole, there to remaine till he find suretie to appeare at the next Gaole Deliuerie: otherwise, he may with lesse labor carry him to a Iustice of the peace, or to a coroner, who ought to take order for such suretie, because the fact may fall out to be Felonie, if so be that he which was hurt doe happen to die within one yere and a day next following such hurt vnto him.

And as these Officers ought to arrest those that doe make assault vpon any priuate persons, so also may they arrest any such as shall make assault (or Affray) vpō themselues whilest they be in doing their offices: & may for that purpose both lawfully defend themselues, and also take the offendors, & commit them to the Gaole, or carry them to a Iustice of the Peace, for ỹ finding of such surety as is aforesaid. 5. H. 7. 6.

But if one do assault a man, in, or nigh the high way, to robbe him, and be taken by the true man, or by any other, and be brought to the Constable, or such other Officer of the place: then ought such Officer, not onely to take him to his warde, but also to carrie him before a Iustice of peace to cause him to giue suretie for his Good abearing. Barre 101. in Fitzh.

So, if any man doe suspect another of Murder, or Felonie, and doe declare the same 5. E. 3. ca. 14. 17. E. 4. 5.

same to any such Officer of the place, the such officer may arrest the suspected person, and he shall doe well to carie him to a Iustice of the Peace together with him that doth suspect him, to that end that they both may be examined as appertaineth. 108

2.E.4.9. Yea, any of these said officers may search within the limit of his authoritie, for any persons suspected of Felonie: for it is a chiefe part of their office to represse Felons.

5.H.7.4.5. And therefore any of these Officers may (of his owne authority) arrest one that is endited of Felonie: So, if the cõmon voice and fame be, that A. B. hath done a felonie, that is sufficiẽt cause for any of these Officers (that shall thereof suspect him) to arrest him for it.

And if any man shall flie vpon felony, it is the office of the Constable of the town, or of any of these other officers there, to

3.Ed.3. Itin. Northumb. seise his goods, and to keepe them safely: for he is to answere for the losse or empairing of them, and therfore it is meete that he doe it by Inuentorie taken in the presence and by the testimonie of the honest neighbours.

1.H.7.7. And I like wel of their opinion, which do hold, that if information be giuen to any such officer, that a man and a woman be in adulterie, or fornication together,

then the officer may take company with him, and that if he find them so, hee may carrie them to prison.

But this is to be marked, that in the cases before, and such like, where such an Officer hath arrested, or hath in his ward any offendour that ought to be carried to the Gaole, there such an Officer is not bound forthwith to carrie him, but may well for a reasonable time kæpe him in the Stockes, vntil that conuenient prouision of strength may bee made to conuey him safely thither. And when hee shall bring such offendour to the Gaole, then ought the Gaoler to receiue the same freely, without taking any thing of the Officer for it. 3.H.4.9. 22.E.3.35. 4.E.3.c.10.

Seruing of precepts.

15 Hitherto (as you see) I haue spoken of the *Constable*, & of these other *Officers*, so farre onely as they haue authoritie by their owne offices, without any commandement from others. But for as much as a great part of their dutie (concerning the Peace) resteth in the making of due execution of the precepts of higher Officers, and especially of the *Iustices* of the peace, who be (as it were) immediatly set ouer them, let vs also see after what maner these *Constables*, and other the said inferiour ministers of the peace, ought to behaue thēselues, in that behalfe.

Albeit

Albeit then, that the saide Officers bee subiect to the commaundements of the Iustices of Goale deliuery, and of Oyer and Terminer, and of some Higher Iusticos, yea, and to the precepts of Coroners also, and of other Officers, in some certaine cases, yet because most commonly they are called vpon by the Iustices of peace, they ought specially to shew themselues obedient to their Precepts, who (as it may appeare by some old Presidents) haue authoritie to remoue insufficient Constables and Borsholders, and to substitute able persons in their place. Neither ought these Officers to dispute whether their commaundements bee grounded vpon sufficient authoritie, or no: as knowing that although a Iustice of the Peace (which is a Iudge of Record) should direct a Warrant beyond his authoritie to a Constable, or one other of the said officers; yet shall such Officer bee holden excused for executing the same, howsoeuer that Iustice of Peace himselfe be blamed for it. Precepts.

14.H.8. cap.18. 21.H.7. 22.

If therefore a Warrant for the Peace, or good abearing, happen to bee directed to any of these said Officers, then ought he with all speede and secrecie to find out the partie: and then also may hee lay his hands vpon him, and shew him the mat-

ter, and require him in the Kings name to goe with him, to put in suertie according to the Warrant. And this if the partie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conueigh him to prison, without carrying him to any Iustice: in which doing, if the partie shal offer any resistance, or shal seeke to escape, then also may such Officer iustifie the beating, or hurting of him. 21.H.7. 39.

But if the partie shall yeeld to goe and giue Suertie, and yet will not goe to such Iustice as made out the Warrant, but to some other Iustice, then ought such Officer to giue him that libertie, so that it bee not farre out of the Limit: for els so great trauaile might follow vpon the Officer, as rather hee, then the offendour might seeme to be punished by it. 21.H.7. 20.

And here the Officer must take regard, and consider whether the Warrant doe come directly from the meere authoritie of the Iustices of Peace, or else be grounded vpon a Writ of *Supplicauit* sent downe from higher authoritie (which difference ought to appeare plainly in all Warrants that be wel and orderly made.) And if the Warrant be grounded vpon such a Writ, then may such Officer compell the partie to goe to the verie same Iustice or Iustices of

of Peace that made out the Warrant, and otherwiſe he may carry him to priſon, as is ſaid before.

Neither is it requiſite, that ſuch an Officer ſhould daunce after the partie (as many vſe to doe) vntill hee can finde out ſuerties: but he may lawfully keepe him, vntil that he can get ſuerties to come vnto him: the ignorance of which point is ye cauſe, both that many an euill man eſcapeth, and many an honeſt Officer is puniſhed for it.

But here it happeneth many times, ye the partie (hearing that ſuch a Warrant is graunted againſt him) offereth himſelf with ſuerties, for that cauſe vnto ſome other Iuſtice of Peace, or findeth ſuch ſuertie in ſome of the courts at Weſtminſter, and ſo hath a *Superſedeas* readie to ſhewe ſuch Officer, as commeth to him with a Warrant as is aforeſaid. Now, if that be ſo, then is the Officer diſcharged therby, and ought not any further to moleſt the partie. But yet it ſhall be good, that ſuch Officer doe keepe the *Superſedeas* for his better diſcharge, & ſhewe it to the Iuſtice from whom he receiued the commaundement of ſeruice, leaſt otherwiſe hee be called to account for not ſeruing the Warrant that was ſent vnto him.

If a Warrant be directed to a Conſta-

bie, or such other Officer, to arrest one that is indited of Felonie, then may such Officer iustifie the killing of such a party, if it be so, that he cannot otherwise take him: or if so be, that he resist, or flye, when he is taken. 22. Lib. Ass. 55. Coron. 261. 288. 328. in Fitzh.

Finally, the Constable, or such other of the said Officers, hauing arrested any to be conueyed to the Goale, must take good heede, that he doe not willingly, or negligently, suffer such partie to escape from him. For, if the arrest were for Felonie, then by a willing escape, the Officer himselfe becommeth a Felon also. And of whatsoeuer other kinde the offence be, if the Officer doe, by his will, or negligẽce, suffer the party to escape from him, he shall bee fined for it, according to the quantitie of his fault, by the discretion of those that shal be Iudges of it. And least any such Officer should flatter himselfe, in thinking that hee may passe through with some easie Fine: I let him knowe, that the Iudges of his fault may set his fine, equal with the value of all his goods, if in their discretions his default do so require. 11. H. 4. 24. Stamf. 35.

The equal dutie of these Officers, in

16 Thus haue I performed the first part of my promise, and haue shewed what is the equall and like dutie of euerie of the saide *Officers* in matters concerning

cerning the Peace, both by their owne authoritie, and also in doing the commaundements of the *Iustices* of Peace: Now therefore I must goe forwarde to the second part of my purpose, and am to declare their like dutie in other points of seruice, that doe not concerne the Peace, For, equall power is indifferently giuen to any of those *Officers* by some *Statutes* of the Realme, whereof those that followe bee the chiefe, and principall.

matters besides the Peace.

33.H.8. cap.10. & 37.H. 8.c.7.

17 All Constables, and other the said Officers, ought to be attendant, aiding, and assisting to the Iustices of Peace, for the execution of all and euery the Actes (made in, or before the Parliament, holden in the 33. yere of the raigne of king Henrie the eight) concerning Reteinors, giuing of Liueries, Maintenance, Embracerie, Bowestaues, Archerie, Vnlawfull games, Forestallers, Regraters, Victaile, Victailers, and Inholders, or any of them, vpon paine that the saide Constables, and other the saide Officers shall make such Fines, as by two of the saide Iustices of Peace shall bee assessed.

Attendant for the execution of statutes.

14.H.8. cap 4.

33.H.8. c.3. 1.Ma.par. 3.cap.9.

18 All Constables, and other the saide Officers within London, or within seuen miles thereof, ought (vpon request made) to

Physitions

to aid and assist the President of the Colledge of the Phisitions of London, and other persons authorized for the due execution of the Statutes made concerning Phisitions, Apothecaries, and Surgeons.

Taxes for the infected with the Plague.

19 Every Constable and other Officer, making default in leuying the taxes for relefe of the Infected with the Plague, according to this Statute, shall forfeit x. s. to the vse of such persons infected. 1.Iac.31.

Purueiors

20 If any person shall (without lawfull bargaine) purueiw or take any thing of any of the Kings liege people, to the vse of any (other then the Kings his house) and thereof notice be giuen to the Cōstable, or such other Officer of the place, then such Officer ought (vnder ỹ pain of twentie pounds) to arrest such taker, and to carie him to the next prison. 23.H.8. cap.14.

No Purueyour of the King ought to take any horse, or cart, but by the deliuery of the Maior, Bailife, Constable, or such other officer of the place whence that taking shall be. 28.H.6 stat 2.c.2

Corne ought to be taken for the kings house, by striked measure of eight bushels to the quarter, according as is vsed throughout the land: and the takers of all things to bee taken for the kings 25.E.3. ca.1.36. Ed.3.stat. 2.c.3.

Kings houſe, ſhal make their purueyance by the verie value thereof, by the vielde of the Conſtable or other ſuch Officers, and by appraiſement vnder oath of fours other good men of the towne, where the taking ſhall be: and ſuch taking ſhall bee made without driuing the praiſours by compulſion, menacing, or other villanie, to ſet any other price then their oath will, and as commonly runneth in the next Markets.

2. & 3. P. & Mar. cap. 9. Takers, Undertakers, their Deputies, or ſeruants, ſhal not take any Beeſes, Weathers, Lambes, Calues, or any kind of Saltfiſh, or any kind of graine, or any Butter in any veſſels, or Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons, or Hens, but by Commiſſion and a Blanke therto for that ſhire annexed: in which Blanke, the ſaid ſeueral things ſo to be taken, and the prices of them ſhall be written, and to which Blanke the high Conſtable, petie Conſtable, or Headborough of the place where any ſuch taking ſhall bee, ought to ſubſcribe his name or ſigne manuel. And ſuch taker ought then alſo to make a brief or Docket in writing ſubſcribed with his name, containing euery of the ſaide things ſo taken in euery place: and ought then alſo (vnder the paine of an hundred markes) to deliuer the ſame to the ſaide

High

High Constable, petie Constable, or Headborough, who also ought to deliuer it ouer to the Iustices of Peace at their next generall Sessions within that Countie.

21 In the takings for the Kings house, Tailes (or Indentures) ought to bee made and sealed, betweene the taker and the owner (in the presence of the Constable, or such other officer, and the praisers of the place) by which Tailes (or Indentures) satisfaction ought to be made to the owner for his things so taken. 10.H.3.c.8

22 If any Taker will make purueyance of any thing (not exceeding the value of fortie shillings) and make not readie paiment in hand therfore, it is lawful for the owner to retaine the thing so take, and to resist such purueyance: and the Constable, Tythingman, or chiefe pledge of the place (being therto required by the owner, ought to aide and assist such owner in making such resistance, vnder paine to yeilde vnto him the value of the thing taken, and his double damages. 20.H.6. cap.8.

Soldiers. 23 All Constables, and other the Officers abouesaid, of the parish or place, where any of the Kings Soldiers beyond the seas being mustered of Record, shall happen to arriue, may arrest & stay such 18.H.6. cap.19.

soldiers,

soldiers, till it be inquired, whether they be lawfully departed frō their Captains, or no.

Coroners.

21.H.8.c.2 22.H.8.c.14. 22.H.8.c.3. 24 All Constables and other the said Officers, must be atttendant vpon Coroners, for the abiuring and conueying of such persons, as shall take the Churchyard as a Sanctuarie, for safegard of their liues, by occasion of any Felonie by them done.

Charges of conueying Offenders to the Gaole.

3.Ed.c.10. 25 If any offender committed to prison, haue not goods to beare the charge of conducting him to prison, an indifferent taxe therfore shall be made by the Constables & Churchwardens & two or three other the honest inhabitāts of the parish, Township, or Tithing, where such offender shall bee taken: which taxation being allowed vnder the hand of a Iustice of peace, if any so taxed refuse to pay the same taxation, by Warrant of such Iustice of Peace, the Constable, Tithingman, or other Officer there, may distraine and sel the goods of such refuser.

All these things heretofore rehearsed, whether they concerne the preseruation of the *Peace*, or any other matter besides the Peace, may and ought to be done and executed indifferently (as I thinke) by any of the said *Officers* within the precinct of his authoritie: that is to say, as well

by

by the *high Constable* of the whole *Hundred* or *Franchise*, within his *Hundred* or *Franchise*, as by the *Constable*, *Petie Constable*, *Tythingman*, *Borsholder*, *Borohead*, *Headborow*, *Thirdborowe*, or *chiefe pledge*, within his Towne, Parish, Tything, Borow, or Hamlet: and that so, as none of them hath more power of office therein then the other, although some of them haue larger limit of place then the rest.

High Constable of a hundred.

But now I am come to such things, as doe seuerally belong to some of these *Officers*, so as the other may not meddle therwith, (which is the third part of my promise) and therefore I will take that in hand also: and because the *Constable* of the Hundred or Franchise, is the greatest of these Officers, both in respect of his larger precinct of place, and also of the higher trust that is committed vnto him, I will begin at him: who, as hee is not by and by set alone, but is for some matters no further authorized then some other of the said *Officers*, so I will first beginne at those, and then come to the rest that belong onely to himselfe.

Prisoners.

26 **The money appointed to be leuied by the Churchwardens of euery Parish each Sunday, for the releefe of prisoners in the Gaole, ought (vnder the paine of v.l.) to be paid by them once euery quarter of** 14. El. ca. 5.

a yeare, to the high Conſtables, or head officers of euery Hundred, Riding, Wapentake, towne, or pariſh: & the ſaid high Conſtables, or head officers ought (vnder the paine of fiue pounds) to pay ouer the ſame money ſo to them paid, at the next quarter Seſſions of the Peace, to the perſon appointed by the Iuſtices of Peace to receiue the ſame.

It ſeemeth to mee, that in this caſe next aboue, the wordes high *Conſtables*, high *Tythingmen*, and head *Officers*, doe exclude *Petie Conſtables*, *Borſholders*, and ſuch like to meddle therein: becauſe none are called *High*, or *Head*, but in compariſon of *Low* and *Baſe*. Now therefore I wil ſpeake of matters concerning the high *Conſtable* of the Hundred alone.

High Conſtables alone.

5.El.ca.4. 27 High Conſtables of Hundreds in all ſuch Shires, where Petie Seſſions for ſeruants and labourers (otherwiſe called ſtatute Seſſiõs) were vſed to be kept, before the firſt day of the Parliament holden in the fift yeare of the Raigne of our late gracious Qu. Elizabeth, may yet ſtill hold their ſaid Seſſions, ſo that nothing be done in them, repugnant to the Statute of labourers and ſeruants made in the ſame Parliament.

Petty ſeſſions.

13.E.1.ſta. Winton. 28 The Conſtables of hundreds, and of franchiſes, ought to make preſentment to the

watches and high-weies.

the Iustices of Peace, and to all other Iustices thereto assigned, of the defaults of Watches, & of the defaults of the Kings High-wayes, not enlarged so, as no ditches, vnderwood, or bushes bee within two hundred foot on euery side of the same: and also of such as lodge strangers in vplandish Townes, for whom they will not answere.

Clothiers. 29 Clothmakers ought to pay the wages of their Carders, and other workefolkes, in lawful money, and not in pins, girdles, or such other things: and to deliuer their wools by faithfull deliuerie, and due weight, vnto them to be wrought: vpon pain of forfeiting the treble of their wages not so paid, and six pence for euery deliuery of such excessiue weight. And the said Workfolkes ought to doe their occupations duly, vpon paine of double damages to the partie grieued. And euery Constable of the hundred may heare and termine the complaints aforesaid, by examination of the parties, and may cõmit to the Gaole such as refuse to pay the said Workfolkes. 4. E. 4. cap.

Highwaies 30 Estreats indented ought to be made by the Clarkes of the peace, and by Stewards of Leetes, of all forfeitures rising in the Sessions of the peace, or in Leetes, vpon the statutes of High-waies: of which 2. & 3. P. & Mar. ca. 8. & 5. El. ca. 13.

Estreates,

Eſtreates, one part ought to bee deliuered yearely within ſix weekes after Michaelmas, to the Bailife or high Cõſtable of the Hundred, Lath, or Wapentake, wherein the default was committed, and the other part to the Conſtable & Church-wardens of the Pariſh in which the default was made, to the intent, that ſuch Bailife or chiefe Conſtable may thereby leuy by diſtreſſe the ſame forfeitures, or the double thereof, (if no diſtreſſe can be found, or if ſuch forfeitures bee not paide within 20. daies after a lawfull demaũd of the ſame by the ſaid officer) & to the intent alſo that the ſaid Conſtable & Church-wardens of the pariſh may therby call the ſaid Bailife or high Conſtable to account before two Iuſtices of the Peace (the one being of the Quorum) betweene the firſt day of March & the laſt of Aprill yearely for the ſaid forfeitures, which ought by the ſaid Church-wardens to bee beſtowed on the High-wayes in their Pariſh. And vpon ſuch account, euery ſuch Baylife or High Conſtable ſhall haue for his paynes vi͡j. d. of euery pound leuied and paid by him, and may alſo retaine xij. d. for the fee of the Clarke of the Peace, or Steward of the Leete, for euery ſuch Eſtreate by any of them deliuered, as is aforeſaid.

Marshalsey & kings Bench.

31 The high Constable (in whose limit the Parish is scituate) must pay at euery Quarter Session to one of the Treasurers of the Shire, such money as the Churchwardens there haue payed to him, for the prisoners in the Marshalsey & Kings bēch, vpon paine of xx.s. to be lost for euery default. 43. El. ca. 3. 1. Iac. 25. 43. El. ca. 3.

Souldiers.

32 And the like must be done (vnder the paine of xl.s.) with that money which the Churchwardens bring to him for disabled Souldiers.

Popish recusant.

33 The Minister (or Curate) of the Parish, and the Cōstable, Headborough, or Tythingman of the Towne, to which any Popish Recusant shalbe sent by order of this Statute, shall take notice thereof by him, & shal enter the same into a Booke to bee kept in euery Parish for that purpose: and shall certifie the same to the next Quarter Sessions of the Peace in that Countie. 35. El. ca. 2.

Constable of a towne.

Next after the *Constable* of the Hundred, Wapentake, or Franchise, followeth the *Constable* of a Towne, who is somewhere called a *high Constable*, for that hee hath there a *petie Constable* vnder him, and is sometimes also termed a *head Officer*, because in some Corporate Townes *Constable* is part of the name of their *Incorporation*. And now also because there be sun-

dry

dry things that are by the lawes indifferētly referred to him, or to the *Tythingman*, *Borſholder*, or ſuch other inferiour Officer of the place: therfore I will firſt ſet downe thoſe, and then afterward ſpeake of the reſt that are committed to him onely, and to none of them.

34 If a commō Inholder, or Alehouſe-keeper, will not lodge ſuch as trauaile, ỹ Ruler, Conſtable, or other Officer of the towne may compell him thereto. Alehouſe.

5. Ed. 4. 3. Acc. iur. caſe B. 76.

35 No perſon retained in huſbandrie, or in any the Arts appointed by the Statute of Labourers (made in the fift yeare of our late ſoueraigne Lady Queene Elizabeth) may depart, after the time of ſuch retainour expired, out of the Towne or Parith, where he laſt ſerued, to ſerue in another, vnleſſe hee haue a Teſtimoniall vnder the Seale of the Conſtable or other ſuch Officer, and of two other honeſt houſholders of the Towne or Parith where hee laſt ſerued, according to this forme. Seruants.

33. El. c. 4.

Memorandum, that A. B. late ſeruant of C. D. of E. in the countie of K. husbandman, or Tayler, &c. is licenced to depart from his ſaid Maſter, and is at his libertie to ſerue elſe where, according to the Statute in that caſe made and prouided. In witneſſe whereof, &c. dated the day, moneth, yeare, and place, of the making

thereof. Which Testimoniall, the parson, Vicar, or Curate of the parish where such Master, Mistresse, or Dame doth dwell, ought to register, taking onely ij. d. therefore. And if such person bee accepted into any other seruice, without shewing such Testimonial, to the Constable, or such other Officer, Curate, or Churchwarden of the place where he shall bee accepted, he shall be imprisoned till he procure such a Testimoniall, which if he doe not within twelue daies next after the first day of his imprisonment, he shall be whipped as a Vagabond.

Labourers. 36 In the time of Hay, or Corneharuest, the Constable, or such other Officer, of any townelhip, vpon request made, & for auoiding the losse of any corne, graine, or hay, may cause all such Artificers, and persons (as be meete to labour) by his discretion to serue by the day, for the mowing, reaping, shearing, getting, or inning of corne, graine, or hay, according to the skill and qualitie of the person: and if any such person shall refuse so to doe, then ought such Officer (vnder the paine of forty shillings) to imprison such refuser in the Stockes, by the space of two daies and one night. 5. El. c. 4.

Highwaies 37 The Constable, Borsholder, or other such Officer, and the Churchwardens of euery

euery Parish, ought yearely vpon the Tuesday or Wednesday in Easter week, to call together a number of the Parishioners, and to chose two honest men of their parish, to be surueiors of the works for amendment of the high waies within their parish leading to any market town: and ought then also to appoint fiue daies for the amendment of those highwaies before Midsommer then next following: and ought openly in the Church, the next Sunday after Easter to giue knowledge of the same fiue daies.

They also ought to haue one parte of the Estreates indented, and may call the Bailife or High Constable, to Account, cõcerning the forfeitures, for default of amending Highwaies, as hath already appeared before. And they also, or any of them may leuie by Distresse, and by sale of such Distresse, all summes of money forfaited for any cause within the statut of Highwaies made in the eightene yere of the late Queene Elizabeth, (if so bee that the Surueiours of Highwaies, shall not before haue leuied and imployed the same, within one yeare next after the offence committed) and shall yelde Accompt thereof before two Iustices of the peace, as is afore shewed.

2. & 3. P. and Mar. cap. 8. and 5. El. c. 13.

18. El. c. 10.

Highwaies for amendment of the annoyed Highwaies in the Wealds of Kent, Surrey, and Sussex, ought after conuiction thereof to be leuied by distresse, by the Constables, Hedborowes, Tythingmen, or other such Officers there, vpon warrant from the Clearke of the Peace in open Sessions, or from two of the Iustices that were at such Session, the one of them being of the *Quorum*. 35. El. c. 19.

Hue & Cry. 39 After such time as the two Iustices of peace, haue ratably assessed euery towne, and parish towards the payment of the damages that any person hath recouered against him of the hundred wherein hee was robbed, vpon the statute of Hue and Crie: then may the Constable or Headborough, of euery such towne & parish, ratably within his limit, take (according to their abilities) euery dweller in euerie such towne or parish, toward the paimēt of such assessement made by the Iustices: & may also distraine euery person by his goods and cattels that shall refuse to pay the same, and may sel the distresse, and retaine so much therof as the taxation shall be, & deliuer the ouerplus to the person so distrained. And shal (within x. daies next after he hath leuied the said rates) deliuer the same to the said Iustices, or one of thē to the vse of the partie robbed. 27. El. c. 13.

40 In

43. El. c. 2. 40 In default of agreement of the Parishioners between themselues, the Constables and Churchwardens of each Parish (or the more part of them) may rate and allot within their Parish their assesse for the Stockes of the Shire wherewith that parish was charged at the Quarter Session: and they also may leuie the same vpon any Parishioner by Distresse and Sale of his goods, rendring the ouerplus vnto him, 43. El. c. 2. c. 3. Stocke of the Shire.

27. E. c. 14. 41 The Constable of euery borough or Market, or other towne, may viewe, search and survey all such Malt as shal be made or put to sale there: And if he shall find any Barlie Malt, made at any time (the Monethes of Iune, Iuly, and August, onely except) but that the same shal haue the space of three weekes (at the least) in the fatte, floure, steeping, and such sufficient drying thereof, and in these three Monethes, the space of xvij. daies at the least: and if he find any person to put to sale, any good Malt, mingled with Malt not sufficiently made, or with Malte made of Mowburned or spired barly: or to put to sale any malt, not sufficiētly wel troden, rubbed, & fanned, wherby halfe a pecke of dust or more may be fanned out of one Quarter thereof: then may such Cōstable (with the aduise of one Iustice Making of Malt.

of the Peace in that shire) cause the same Salt to be sold, to such persons, at such reasonable prices (under the common price of the Market) as to his discretion shall seme expedient.

Who be Rogues.

42 Every of these persons following, and being above the age of fourth years, is by the law declared to be a Rogue, Vagabond, or sturdy Begger: that is to say: Every person that calleth himself a Scholler, and goeth about begging: Every Seafaring-man (not having suffered Shipwracke, nor having lawful Testimoniall from a Iustice of Peace, of, or neere the place where he landed) that goeth about begging, or exceedeth the limits of such Testimoniall: Every Idle person that goeth about begging, or that vseth any Subtile-craft or vnlawfull game or play, or that faineth knowledge in Physiognomie, Palmistrie, or other like craftie Science, or pretendeth to tell Destinies, Fortunes, or such like Phantasticall imaginations. Every wandring person that vttereth himself to be a Proctour, Procurer, patent gatherer, or collector for any Gaole, prison, or Hospitall. Every Fencer, Bearward, Minstrel, or cunning player of Enterlude. Every Iuglar, Tinkar, Pedler, Petichapman, or Glasseman that wandreth abroad. Every Wandring person

39. El. c. 4.

son

son, or common Labourer not having otherwise then by labour to maintain himselfe, & being able of bodie, that refuseth to worke for lawfull Wages. Euery person, deliuered out of Gaole, that beggeth for Fees, or trauaileth begging. Euery one that pretending losse by fier, or otherwise, wandreth begging. Euery one (not being a Felon) that pretendeth to be an Egyptian or wandreth in the forme (or habit) of counterfait Egyptians. Euery impotent, and diseased person (being lawfully licenced by two Iustices of the peace to goe to Bath, or Buxton) that forbeareth not to begge, or returneth not according to such Licence: and euery poore person (appointed to aske reliefe in his parish by the Ouerseers) that beggeth in any other sort then is appointed.

The Constable, Headborough, and Tythingman of the Hundred, Parish, or Tything, shall vpon the taking of euery such Rogue (the Tythingman, or Headborough being assisted with the aduise of the Minister, and one other of the parish) appoint ỹ same Rogue to be stripped naked from the middle vpward, and be openly whipped vntill his or her body be bloudy, and shall forthwith send such Rogue from parish to parish, (by the officers of the same) the next straight way to the Parish

where such Rogue was borne, if that may be knowne by his or her confession or otherwise: and if that cannot be knowne, then to the Parish where hee or shee last dwelt before that punishmẽt by the space of one whole yeare: and neither of them being knowne, then to the parish through which hee or shee last passed without punishment.

After which whipping, such Rogue shall haue a Testimoniall, subscribed and sealed with the hands and Seales of the said Constable, Headborough, Tithingman, and Minister or of any two of them, the substance of which shall be Registred by that Minister in a booke to be prouided for that Parish, vnder the paine of fiue shillings for euery default thereof.

And the forme of that Testimoniall may be thus:

Kent. A. B. a sturdie *Rogue*, of tall Stature, red haired and bearded, about the age of 30. yeeres, and hauing a wart neere vnder his right eye, borne (as he confesseth) at *East Tilbery*, in Essex was taken begging at Shorne in this countie of *Kent* the 10. of *March*, 1598. and was then there lawfull whipped therefore, & he is appointed to goe to *East Tilbery* aforesaide the direct

direct way by *Graueſend*, ouer the Riuer of *Thamiſe*: for which hee is allowed one whole day, and no more, at his perill: *Subſcribed* and Sealed the day and yeare aforeſaid.

By vs { *C.D. Miniſter.* / *E.F. Borſholder.* / *G.H. Pariſhoner.* } of *Sherne* aforeſaid.

And if ſuch Rogue doe not accompliſh the order of ſuch Teſtimoniall, then is hee or ſhee to be Whipped at euery place for euery ſuch default, till he or ſhe repaire to the place ſo limited for him: And this Teſtimoniall muſt be carried with him from Officer to Officer as is aforeſaide: wherein it is needefull to ſet downe ſome ſpeciall marke of the bodie of the Rogue, to the end that neither one Officer deceiue another, nor the Rogue deceiue them all.

But if ſuch Rogue ſo taken appeare to be dangerous to the inferior ſort of people there, or will not be reformed from Roguiſh life, by the meanes aforeſaid, then any two Iuſtices of peace of that limit (the one being of the Quorum) may commit ſuch Rogue to the houſe of correction or Goale.

Euery Conſtable, Headborough, or Tythingman, that ſhall be negligent, or ſhall not doe his beſt indeuour to take, punish, and

and conuey ouer the Rogues aforesaide, shall lose x.s. for euery default. And euerie other person that disturbeth the execution of the Act of Rogues, shall lose v.l. for euery default, and bee bound to the good behauiour.

And euery such Constable, Headborow & Tithingman, is in like sort to take and punish, & to conuey from one to another, euery Rogue and begger that be brought and set on land here, from Ireland, Scotland, or the Ile of Man, till he come to the next Port or Parish inward whereof he was first landed, vpon the like forfaiture of x.s. for euery default.

If the Constable or Tithingman, do not cause dangerous Rogues to be punished & conueied according to the stat. 39. El. hee shall lose x.s. for euery default. 1. Iac. 7.

Now, forasmuch as the execution of this law, as also of that for the *poore*, is vpō good reason required at the hands of these *Constables, Borsholders*, & such like inferior *Officers*, because as they of the comon sort bee most annoyed therby, so are they in euery corner to haue a ready hand & whip to remedy the euil: I think good for their better direction herein to set down those resolutions & aduices, which (as it is commonly said) were giuen by the Queenes *Iustices* at *Westminster*, soone after the making of the

said

said statutes, and thus they follow.

A Rogue affirmeth, that he was borne in such a town, in such a county: the ought he to be sent thither, if it may not otherwise appeare that he was borne elswhere: & if he were not born there in truth the is he to be said an incorrigible rogue, & is to be sent thence to the house of correction in the countie to which he is sent: & if there be none there, then to the Gaole vntill the next Sessions, there to be dealt with according to the statute.

2 The same course is to be obserued, if it appeare not where he was borne, & so if he vntruly affirm that he was last dwelling in such a towne, in such a countie, by the space of a yeare, & was not in truth.

3 If the husband, or wife haue a house and the husband or wife rogue about, they ought to be sent to the towne where that house is, and so of an Inmate.

4 The wife and children vnder seauen yeares of age, being vagrant, must goe and be placed with the husband: if the husband be dead, then with the wife where she was borne, or dwelt: and the vagrant children (aboue seauen years of age) must be sent to the place of their birth. And if the vagrant parents with their children (vnder seauen yeares) bee placed at the place of birth of the Parents, or at the

place

place of last dwelling (as the case shall fall out) if afterward the Parents, or either of them die, or runne away, yet the children (once setled) must remaine there still, and may not be sent to their place of birth, though after they growe aboue the age of seauen yeares.

5 The wife being a vagrant Rogue, ought to be sent to the husbād, though he be but a seruant in another towne.

6 The Rogue whose place of birth (or dwelling) cannot be knowne, hath wife and children vnder seauen yeares of age, they must go with the husband to ỹ place where they were last wilfully suffered to passe without punishment, where ỹ childrē must be relieued by the worke of their Parents, though the parents be committed to the house of correction.

7 If any (not being Rogues) shall trauaile with their children through a town, and the Father or mother die, or run away, the towne is not bound to kæpe thē where they die, nor to send them away, but onely in charitie, except they become wandring Beggers.

8 If the Parents be able to worke, and may haue worke, they are to finde their children, by their labour, and not the Parish, but if they bee ouerburthened with children, it shall bee a very good way, to

pro-

procure some of them to be placed apprē-
tices according to the Statute.

9 No man is to be put out of the town where he dwelleth, nor to bee sent to his place of Birth (or last habitation) but a vagrant Rogue; nor to bee found by the towne, except the partie be impotent, but ought to set themselues to labor, if they be able, and can get worke, if they cannot, the ouerseers must set them to labor: And so of them that haue or shall haue houses, when their estates be expired: And ser-
uants, whose times of service are ended, though they cannot get houses, for they must prouide themselues houses a new, if they be not impotent.

10 Such persons as be of any parish, & haue able bodies to worke, & be no wan-
derers abroad out of the Parish, though they refuse to worke at such wages as is tared (or commonly giuen) in those parts, are notwithstāding not to be sent to their place of birth (or last dwelling) by the space of a yeare, but to the house of correc-
tion; vpon consideration had of both the statutes of the poore and Rogues. But if they haue any lawfull meanes to liue by, though they be of able bodies, and refuse to worke, yet are they not to be sent to the house of correction.

11 Such as will remoue or put any out

of

of their Parish, that be not to be put out, this is against the statute, concerning the reliefe of the poore, & fineable: and if any haue been so sent, they may be sent backe againe.

12 If any be sent to a town whereto he ought to be sent, and is refused, (being a sturdy, or an impotent Rogue) the persõs refusing shall forfeit v.l. and he that is so to be sent, is to be offered to the Churchwardens and ouerseers.

13 To send the Rogues by a generall Passport, without conueying them from parish to parish, is a let to the conueying of Rogues according to the statute, & so a forfeit of v.l. vpon them. And to goe with such a Passport, is but still to continue a Rogue, to be punished by whipping.

14 If the Officer will not receiue a Rogue to conuey him to the place where he was born (or dwelt) this is a forfeiture of v.l. in the officer, that shall not receiue the party to conuey him or her ouer.

15 None may be suffered to take reliefe at any mãs doore though within the same parish, vnlesse it be by the order of y ouerseers, according to the statute, neyther may any be suffered to begge by the highwaies, though in their owne parish.

16 By this word parents, is vnderstood a Father, or a Grandfather, Mother, or Grand-

Grandmother, being perſons able.

17 Within the word children, is included any child, or Grandchild, being able.

18 Parſons, or Vicars, &c. be bound (as inhabitant) to the reliefe of the poore, as well as others that inhabite within the Parish.

19 Euery one that hath tythes impropriate, Coale mynes, or lands in mannell occupation, &c. is chargeable: And ſo for ſuch as haue ſaleable woodes, proportioning the ſame to an Annuell benefite.

20 If there be but one Church-warden in the Parish, he ſufficeth, with the other foure Ouerſeers.

All theſe things laſt aforeſaid, doe pertaine as well to the charge of a *Tythingman, Borſholder, Head-borough, chiefe pledge*, or ſuch other inferiour Officer, as they do to the *Conſtable* of ſuch a Towne, or Parish, that hath any of thoſe other Officers vnderneath him. But ſome other points of charge there bee, that belong to ſuch a *Conſtable* onely, and not to any of them: as for example.

8.H.6.ca.5. 11.H.7.c.4. 43 Euery Citie, Borough, and Market Towne, that haue a Conſtable, ought alſo to haue common meaſures ſealed, and alſo common weights ſealed, at which the inhabitants may freely weigh. Weights & meaſures.

14.H.6.c.5. 44 If any Wools, or other Marchandize, Marchandize.

dize be shipped in the Staple in any suspected place adioining to the coast of the water, then Indentures ought thereof to be made betweene the owner, & the Maior or Cõstable of that place: or otherwise, such marchandize shall be forfeited.

Presente the names of Recusants.

45 The Church-wardens and Constables of euery Town, Parish, or Chappell, or one of them, or the Constables of the Hundred shall once euery yeare present the monethly absence from Church of all Popish Recusants in such Townes and Parishes, & the names of their children of nine yeares old and vpwards abiding with their Parents, and if they can, their age, and the names of their seruants, at the Quarter Sessions, and in default of such presentment, shall forfeit xx.s. And if the party vpon such presentment happen to be indicted and conuicted, they shall haue a reward of xl.s. of the Recusants goods. 3. Iac. 4.

Vnlawfull games

46 The Maior, Sherifes, Baylifes, Constables, and other head officers within euery City, Borough, & Towne within this Realme, where any such Officers be, ought vnder the paine of xl.s. for euery default, once euery moneth at the least, to make search (as well within liberties, as without) in all places where any vnlawful games shalbe suspected to be kept, 33. H. 8. c. 9.

and

and may arrest and imprison as well the kæpers of such places, as the haunters to the same, till they be found no more to kæpe and haunt such places. And if any such Head Officers, shall finde or knowe, that any Artificer, craftsman, husbandman, apprentice, labourer, seruant at husbandry, tourneyman, or seruant of Artificer, or that any mariner, fisherman, waterman, or Herringman, doth play at the Tables, dice, cards, tennise, bowls, clash, coiting, logating, or any other vnlawfull game, out of Christmas time, or out of their Maisters house or presence in the Christmas time, vnlesse it be by the licēce of such master as hath C. l. by the year, or aboue, and then also, that playing bee within the precinct of such Masters house gardeine, or orchard: then such head Officer may commit such offender to ward, till he will be bound by Obligation to the kings vse (in such sum as to the discretion of such officer shal be thought reasonable) that he shall not from henceforth vse such vnlawfull games.

Bridges.

23 H. 8. cap. 5. 47 Those foure Iustices of peace, that be authorised by the statute to make taxation of money for the amendment of any decayed bridge in the high way, ought to make that Taxation, by the assent of the Constables, or of two of the most honest

nest inhabitants, of euery Towne or parish.

Vessels. 48 In all Cities, Boroughes, and Townes, wherein no Wardeins of Cowpers be, the Maiors, Sheriffes, Bailifes, Constables, or other head Officers there haue power to search, viewe, and gaunge, barrelles, kilderkins, firkins and other vessels, to be made there, and to take such aduantage thereby, and in such manner, as by the Wardens of Cowpers within the cities of London may bee taken on euery behalfe. 23. H. 4. cap. 4.

Victualing houses. 49 All Iustices of the Peace, Maiors, Bailifes, head Officers, and Constables, as well of cities and townes Corporate, as in euery Countie of this Realme may in Lent time enter into Common victualling houses suspected, and finding any Oxen, Beeues, Beuets, Hogs, Calues, Rammes, Ewes, or Wethers killed or dressed in Lent time, or on fish daies, may seise the same as forfeited, and distribute it to prisoners and the poore by their discretion. 1. Iac. 25.

Tipling. Euery Inne keeper, victualer, or Alehouse keeper that permitteth any to continue tipling in his house, (except such as are inuited by Trauailers, or Labouring men in dinner time, or which lodge 1. Iac. 9.

in

in such houses for time of their continuing in worke: or such as for vrgent occasions are allowed by two Iustices of peace) shall forfaite x. s. to the poore of the parish: and that selleth lesse then a full Ale quart of the best beere or ale, and of the small two quarts for a penie, shall forfait xx. s. to the vse aforesaid, the same offences being viewed by any Maior, Bailife, or Iustice of the peace in their severall limits, or proued by Oath of two witnesses before such Maior, &c. which penalties are to be leuied by distresse by the Constables and Churchwardens of the Parishes where the offences are committed, vnder paine of losse of xl. s. to the foresaide vse, by neglect of their duetie therein, or in certifying the default of distresse by the space of twentie daies to the Maior, Bailife, other head Officer, or Iustice of the peace. For which penalties to bee leuied by the Constables or Churchwardens, they shall bee accountable to their successors and the parishioners.

51 In all these cases also, last before rehearsed, it seemeth that Borsholders, Tythingmen, Headborowes, and other such (being in townes, or parishes, vnderneath Constables that be there) cannot meddle, because such Constables bee (in

comparison of them (called Head Officers.

Hedgebreakers.

52 The Constable or other inferior officer, must whip such hedgebreakers, robbers of orchards and gardens, cutters of corne and wood, &c. as he for that purpose committed unto them by the Iustice of peace upon paine to be committed to the common Gaole, without baile or mainprise till it be done. 43. Eli. cap. 7.

The conclusion.

53 Now therefore upon all the whole discourse before written, it may well appeare, that Borsholders, Tithingmen, Headboroughes, Boroheads, Thirdboroes, and chiefe pledges, whether they be there the onely Officers for the peace, or be underneath Constables, may within their Borowes, Tythings, or Hamlets, doe many thinges that the others may doe: and that there are many other points which those other Officers may doe, and wherwith these Borsholders and the rest cannot meddle at all. And therefore, to auoide Idle repetition of matters alreadie spoken, I say shortly, that if an vnder Borsholder, Tythingman, Headboroe, Boroehead, Thirdboroe, or chiefe pledge, will see what belongeth to him to doe, he must looke before vpon all such cases, where his power is declared to bee equall (for those points) with the power,

either

either of a High Conſtable of the Hundred, or a Conſtable of a towne or pariſh: for in all ſuch things he hath to deale as wel as they. But where any thing before is ſhewed to pertaine only to the High Conſtable of a Hundred, or onely to the Conſtable, or chiefe or head Officer of a towne, or pariſh, there ſuch a Borſholder, Tythingman, or any of the reſt, hath nothing to do with it.

And this hauing opened ſo ſhortly and plainly, as I could, the duties of all theſe ſaid miniſters of the peace, I doe ſhut vp this worke: deſiring thoſe that ſhall take any profite of this labour, to yeeld thanks to God the moſt liberall giuer.

FOr the more eaſe of euery of theſe Officers in finding out that, which particularly belongeth vnto each of them, I haue diuided the former *Treatiſe* into fiftie and two ſeuerall *Articles* (or parts) as it may appeare at the beginning of each *Article* by the ſeuerall *Figure* thereof, by which euery Officer may be directed ſeuerally to ſo much as appertaineth to himſelfe, if he will marke this ſhort table following. For,

The high Conſtable *of the* Hundred, rape, *Franchiſe or* Wapentak, *hath the execution of all theſe matters that doe lie within theſe Articles, that is to ſay.*

Articles concerning

3 His name and beginning.
4
12
13 The peace and serving of Warrants.
14
15
16
17 Execution of Statutes.
18 Physitions.
19 Plague.
20 Purueiors.
21
22
23 Souldiours.
24 Coroners.
26 Poisoners.
27 Petite Sessions.
28 Watches & highwaies.
29 Cloniers.
30 Highwaies.
31 Money for prisoners
32 Money for Souldiours.
33 Popish Recusants.

And the Constable of a Towne & Parish, hath his part in all things contained within any of these Arucles following, that is to say.

Arricles concerning.

4 His name and beginning.
21
22
23 The peace & serving of precepts.
24
25
26
27 Execution of Statuts.
28 Physitions.
29 Plague.
30 Purueiors.
31
32
33 Souldiers.
34 Coroners.
35 Conueying Offenders to prison.
38 Popish Recusants.
42
34 Alehouse.
35 Seruants and Labourers.
36
37 Highwaies.
38 Highwaies in the Weald.
39 Hus and Crie.
40 Stocke of the shire.
41 Making of Malt.
42 Rogues & beggers.
43 Weights & measure.
44 Marchandize.
45 Vnlawfull games.
47 Bridges.
48 Vessels.
49 Victualling houses.
50 Tipling.
52 Hedgebreakers.

And

And euery Borsholder, Tythingman, Boroehead, Headborow, Thirdborowe, and chiefe pledge, may for his Borow, or Tything learne his Office by these Articles, that is to say,

Articles concerning

1 His name.
2 His oath.
3 Office.
4 His latter Office.
5 Keeping of the peace.
6 Precepts to be serued.
7 Execution of Statuts.
8 Physitions.
9 Plague.
10 Purueiors.
11 Sculdours.
12 Coroners.
13 Conueying Offenders to prison.
14 Prisoners.
15 Highwaies.
16 Alehouse.
17 Seruants and Labourers.
18 Highwaies.
19 Highwaies in the Wealds.
20 Hue, and Cry.
21 Stocke of the shire.
22 Making of Malt.
23 Rogues & beggers.
24 Hedgebreakers.

The dutie of Church Ministers.

THe later Lawes hauing imployment of many to make, hath borrowed some vse in a few easie matters of spirituall Ministers, chiefly for the helpe and readinesse of their pen, which in manie Parishes few, or none (besides they) can serue withall.

1 The Minister (or Curate) of the parish ought to Register the Testimoniall that is made to a seruant to appear at the end of his Terme, and hee is to take two pence therefore, and not aboue.

2 He also is to assist the Borsholder or Tythingman, in appointing a Rogue to be whipped, and must Register (in a booke for that purpose) the Testimoniall ỹ such Rogue ought to haue after whipping, vpon paine to loose v.s. for euery default.

Licence to eate flesh.

3 He may giue Licence to a sick person (during the sickneſſe onely,) to Eate flesh vpon daies prohibited, and must (for foure pence) Register the same in ỹ church booke, if the sickneſſe continue aboue 8. daies after the Licence. 5. El. ca. 5.

Come to Church.

4 The Minister or Curate of the parish may requite any pers̃o within 3. months after his Conuiction vpon the Statute 35. El. c. 1. to make publike Confession and submission in the seruice time of a sunday or Festiual day. And he that shal (after notice to him giuen by the Minister or Curate or Churchwardens) maintaine, or retaine, in his house, or otherwise, any pers̃o obstinatly refusing to come to church, shal loose x. l. for euery such person, for euery moneth so maintained, or retained. 35. El. c. 1.

Popish recusant.

5 The Minister or Curate of the parish, & the Constable, Headborow, or Tithingman 35. El. c. 2.

man, of the towne, to which any Popish Recusant is sent, shall (vpon notice therof by himself) enter the same into a booke to be kept in euery Parish for that purpose: and shall certifie the same to ỳ next Quarter Session of the Peace in that Countie.

Fift day of November

6. Euery Minister after morning praier or preaching ought alwais vpon ỳ fift day of November, to read publiquely, distinctly, and plainely the Statute made in the third yeare of the raigne of our gratious King Iames, for publique thanksgiuing to almightie God euery yeare on ỳ same day, for his deliuerance of the King and State from the Powder-treason. 3. Iac. 1.

The dutie of Churchwardens.

WHilest I passed thorow some of the statuts before, concerning the offices of Constable & Borsholder, I found them mingled with diuers duties pertaining to the Churchwardens of parishes: the Surueiors of the high waies: the Distributors of the prouision for the destruction of vermine, and Ouerseers of the poor: whereby I was also moued to adde somewhat of these Offices, the rather because I was perswaded, that with that little more of labour, I might doe a great deale more of good, seeing that thereby the plaine countryman should (after a sort) be furnished with

with all maner of vnderstanding (in the temporall law) needefull for the exercise of any of those Offices that may lightly fall vpon him.

First therefore, I will speake of the Churchwardens office, but that is farre forth onely, as the common Lawes, and Statute Lawes of the Realme do lead me, knowing that such other parts of that office as do rest vpon the Lawes Ecclesiasticall, be from time to time sufficiently both taught and called vpon, by those that haue the execution of the same.

Office of Churchwardens, by the common law.

The Churchwardens of Parishes be taken (in fauour of the Church) to bee for some purposes a maner of Corporation at the common Law; that is to say, Persons enabled by that name, to take moueable goods, or cattels, and to sue, and be sued at the Law, concerning such goods, for the vse and profit of their Parish. And therefore, a man may well in his life time giue, or by his last will bequeath, money or other moueable things, to the Churchwardens, or to the Parishioners of a Parish, either for the reparation of the Church, or towards the buying of bookes, Communion Cups, linnen cloathes, or other decent ornaments or furniture for the Church. Which maner of gift is so much fauoured in the Lawe, that it is not

12. H. 7. vltimo.

Lib. intrat. fol. 176.

allage-

altogether needfull in such a gift, for a man to discerne wordes, or writing. For if a man do buy a Bell, and do hang it up in the Steeple, or do make a Pew, and do set it up in the Church, and doe neither make any word or writing thereof, yet is this Bell or Pewe, by this dedicated or given to the Church.

11.H.4.13 8.H.7.4. 2 Now, although churchwardens shall haue none action at the Common law to recouer a Legacie, or such other thing which they neuer had: yet neuertheless if any such goods, or ornaments of the Church be once in their possession and custodie, then shall they maintaine an Appeale of robberie against him that stealeth them, or an Action of trespas against him that shall wrongfully take them away, though it be the Vicar, or Parson himselfe, & the damages that they shall recouer thereby shall be to the vse & benefite of the parish, and not to their owne vse. But if those Churchwardens (from whom the goods were so taken) shall happen to die before any Action by them brought for the goods, yet shall the next Churchwardens haue Action for the same.

They shall haue action.

37.H.6. 30.&34. 11.H.4.12 8.E.4.6.

3.8.H.6.

Fi.nat.br. 91.K. 19.H.6.66. ad contr.

3 And forasmuch as these churchwardens be Officers, put in trust for the behoofe of their Parish, therefore also are they not enabled with any other power, then

They may not waste the church goods.

[illegible] and profit of the parish. So that Churchwardens can neither giue away, nor release at their owne pleasure, the goods of the Church. For if the Parishioners shall finde that they doe vnprofitably waste, or mispend the goods of the parish, then may they remoue such Churchwardens, by making their choise of new; which new officers may (by Action of account) call to account the former Churchwardens, and shal thereby compell them both to giue reckoning of their doings during their office, and also to make satisfaction to the vse of the parish, for ỳ harme that it hath receiued by their fault. And although the vsage and custome of the parish be that the Churchwardens there shal continue in their office, by the space of one whole yeare, or two yeares or more (as indeede some Parishes haue such customes) yet vpon such, or the like misdemeno' found in them, may ỳ parishioners at all times proceed to an election of new Churchwardens, and may remoue the old for that otherwise they haue no meane by our law to call them to their Account: but by such as shall be put in their place.

They may be remoued & brought to account.

6.E.4.6.

26.H.8.5.

Neuertheless those former Churchwardens shall (vpon the making of such their Account) haue allowance of all needefull summes of money, or other things, which they

they haue expended, either vpon the reparation of the body of the Church, or for the prouision of meet & lawfull ornaments, or other furniture of the church or parish: because they are compellable (by the Ecclesiasticall Lawes) so to lay forth ỹ goods of the Parish committed to their custodie & charge. They shal haue allowance also (vpon such their Account) of the money paied by them for releise of prisoners in ỹ common Gaole, by vertue of the statute 14. Eliz. cap. 5. and of whatsoeuer other thing that they are by lawe chargeable to doe.

They haue not to doe with lands

4 This (in effect) is the power & charge that the cõmon law doth giue to Church-wardens: for as touching any estate in lands, or the profits of any lãds, Church-wardens haue not to meddle at all: Insomuch, that if ỹ wals, windowes, or doores of the Church be broken, or the trees in the Churchyard be cut downe, or ỹ grasse thereof be eaten vp, then the Parson, or Vicar (and not the Churchwardens) shall haue the Action for it: because Church-wardens are not by law allowed to bee a Corporation for any other thing, then for moueable goods onely. Now therefore I will shew how their office is increased by a few statute lawes, that do concerne the same.

11.H.4. 13.
12.H.7.17.
13.H.7.9.

Churchwardens office by the statute.

5 All

the Church

5 All persons inhabiting within the Kings Maiesties dominion, shall diligetly & faithfully (hauing no lawfull or reasonable excuse to be absent) indeuour theselues to resort to their parish Church or Chappel accustomed, or (vpon reasonable let therof) to some vsual place where common prayer and such seruice of God (as is contained in the booke of comon prayer) shalbe vsed in such time of let, vpon euery Sunday and other dayes ordained & vsed to be kept as holy daies: and then & there to abide orderly & soberly, during the time of the cōmon prayer, preachings, or other seruice of God, there to be vsed and ministred, vpon paine of punishment by the Censures of the Church, and also vpō paine that euery person so offending shal forfeit for euery such offence xij. s. to be leuied by the Churchwardens of the Parish where such offence shall be done, to the vse of the poore of the same Parish, of the goods, lands, and tenements of such offendor, by way of distresse.

Presēt the absence frō Church of Recusants

6 The Churchwardens and Constables, or Constables of the Hundred are yearely to presēt the monethly absence from Church of Recusants, and their childrens names aboue nine yeares old, and age, if they can, & the names of their seruants at the Quarter Sessions, vpon

3. Iac. 4.

paine

paine of xx.s. forfeiture. And if such Recusant vpon that presentment be indicted or conuicted, they are to haue a reward of xl.s. of such Recusants goods.

7 The Constables and Church-wardens of euery Parish shall yearely vpon the Tuesday or Wednesday in Easter weeke call together a number of the Parishioners, and shall then elect and chuse two honest persons of the Parish to bee Surueyors and orderers of the workes for one yeare, for amendment of the Highwaies in their parish, leading to any market towne: which persons shall take vpon them the execution of their saide offices, vpon pain, euery of them making default, to forfeit xx.s. And the said Constables and Church-wardens shall then also name and appoint six daies for the amendment of the said Highwaies before Midsummer then next following: and shall openly in the Church the next Sunday after Easter giue knowledge of the same fiue dayes. And they also ought to haue one part of the Estreats indented, and shal call the Constables to account &c. as it doth appeare before in the 30. Article of the Constables office. 2.& 3.Ph.& M.c.8.& 5. El.c.13. Highwaies

8 See after also in the office of the Surueyours of the Highwayes, for leuying those forfeitures by the Churchwardens.

if

if the Surueiors shall not leuie and imploy the same within one yere after the offence committed.

Refuse to come to the Church.

9 And see in the 4. article of the duetie of the Minister, that the Church-wardens may giue notice to such as maintaine, or retaine in house, or otherwise, any person that obstinately refuseth to come to the Church.

Tipling.

10 The Constables and Churchwardens omitting their dutie, in leuying the penalties of Inne-keepers, &c. suffering any to remaine tipling in their houses: or selling lesse Ale and Beere then by this statute they ought: Or neglecting 20. daies to certifie the default of distresse in offendors against this Act, shall forfeit for euery such default 11. shillings to the poore. 1. Iac. 9.

Eate flesh.

11 If any person within this realme shall (without lawfull licence) eat any flesh vpon any daies now vsually obserued as fish-daies, shal forf. 3. l. for euery such offence, or els suffer 3. months imprisonment. And euery person within whose house any such offence shalbe done, & being priuie or knowing thereof, & not effectually disclosing the same to some publike Officer, hauing authoritie to punish the same, shall for euery offence forfeit 40. s. The third part of all which forfeitures shal be to the 5. El. c. 5.

vse

vse of the Parish wherein the offence shall be, & to be leuied by the churchwardens after any conuiction in that behalfe.

5.El.ca.5. The licence for eating of flesh, to be giuē to any persan for notorious sickneſſe, by ỹ bishop of the Dioceſſe, or by ỹ Parson, Vicar, or Curate of ỹ parish, ought to bee registred (if ỹ sicknes shal cōtinue aboue eight daies after such licence granted) in the Church booke, with the knowledge of one of the churchwardens there: and the partie licenced shal giue 4.d. to the Curate for the entrie thereof. Licence to eate flesh.

43.El.c.2. 12 The Churchwardens & foure, three, or two others of euery parish, appointed by ỹ two Iustices of peace, to be Ouersées of ỹ poore there, (or the more part of them) may by the consent of two Iustices, from time to time take order, for setting to worke all persons maried or vnmaried ỹ haue no means, or ordinary trade to liue by, & the children of such parēts as shal be thought vnable to maintain them: & may take aswel Inhabitāts as occupiers of lāds in the parish, to pay weekly, or otherwise, such cōpetent sums of money (as they shal think mēet) for a stock of ware & stuffe for such poore to worke, & for the necessarie releife of the impotent poore there, and for the putting out of such children to be Apprentices: & may execute all other things, Poore.

concerning the premises, as to them shall seeme conuenient.

And they shal meet together once in each month at ỹ least in the Church vpon some Sunday in the afternoone, to consider of some good course & meete orders to bee set downe in the premises, & within 4. daies after their yere ended & other ouerseers nominated, shal yeeld vp to the two Iustices of peace, a perfect account of their Money, Stock, & other things concerning that office, & shal pay the monies that shal be in their hands, to the new Churchwardens, & Ouerseers, vpõ pain to lose 20. s̃. for euery such monthly absence, (without cause, to be allowed by the two Iustices) & for euery negligẽce in the execution of the said office, or orders made by assent of the two Iustices as aforesaid.

And the said Churchwardens & Ouerseers (or any of them) by warrant from two such Iustices, may leuie such tarations by distresse & sale of the offendours goods, as also the money behind vpon any such account, rendring the Ouerplus to the partie: & they (with the leaue of the Lord of a Common, or Waste, in writing) may erect there conuenient habitations, & place Inmates therin, at ỹ generall charges of the parish, &c. When the stock of the shire, is assessed by the Iustices of peace in their

Quar-

Quarter sessions vpõ euery parish: the same shal be yearly rated within the parish by agreement of al the parishoners, or in default therof by the churchwardens & constables of the parish, or the more part of thẽ, who may levie the same by distresse & sale of the goods of such as refuse to pay their portion therof, & shal render the Ouerplus therof to the owner: & the Churchwardẽs must ratably pay ouer to the high Constable, in whose limit the parish is scituate ten daies before the end of euery quarter sessions, such money as for ỹ parish they ought to pay for the relief of the prisoners in the Marshalsey & kings Bench, vpon forfaiture of x. s. for euery default of such payment.

8. El. c. 15. & 14. El. ca. 12.

Destructiõ of vermine.

§ 13 In euery parish, the Churchwardens, with 6. other parishioners (to be required by the Churchwardens) shal yearly in one of the holy daies in Easter week, & at euery other time when it shal be needful, tare & assesse euery person hauing the possessiõ of any lands or tithes within ỹ parish, to pay such sums of money as they shal think meet, according to the quantitie of such their lands or tiths. And if any such person do deny to pay the same, or do not pay the same (within 14. daies next after request therof made by the churchwardens, or one of thẽ (thẽ such person shal forfait for euery time

rime v.s. which (together with the sūm assessed) shal be leuied by distresse, of the goods & cattels of such person, to be taken by the churchwardens, or one of them, the same distresse to be ordered & vsed, as distresses takē for amercemēts in any Leets. And as well the said sums as penalties, (if any of them be so leuied,) shal be yeerly by the churchwardens, or one of thē for the time being, deliuered by bils indented, to two honest & substantiall persons of ỹ parish which shal be elected & appointed by the churchwardens, & shal be named, The distributers of the prouision for the destruction of noisome foule & vermine. And if the said churchwardens, 6. persons, or distributers, or any of thē, shal refuse, or make default in the execution of any part of this act, contrarie to the forme therof, thē such offendor shal forfait for euery default, v.l. the one moity to the king, ỹ other to him or thē (vsing tillage yearly within ỹ same shire) that wil sue therefore in any Court of Record.

Cōueying offenders to prison.

14 Where an offendor cōmitted to prison, hath not sufficient to defray ỹ charge of conducting him thither, the constables & churchwardens & two or three of the parishioners may make an indifferent taxe for ỹ same: of which see in Constables, Article. 25. 3 Iac. 10.

15 The

43. El. c. 3. 15 The money assessed at the Quarter Session by the Iustices of peace vpon euery parish for ỹ relieſe of disabled Soldiours, may be rated (in default of agreement of ỹ parishioners amongst themselues) by the Churchwardens & Constables of ỹ parish, or the moze part of them: & they may leuie such Rates by distresse & sale of the goods of such as refuse to pay their rates, rendring to ỹ owner the Ouerplus cõming of such sale: & the Churchwardens must collect and pay ouer to ỹ high constable in whose diuision such parish is, euery such sũme ten daies before euery quarter Session of the peace, vnder ỹ paine of xx. s. for euery default thereof. Souldiers money.

For the rest of the office of the Churchwardens, cõcerning this matter see afterward in the dutie of these distributers. See also in constables article 26. for the goale money, to be leuied by churchwardens.

The Office of the Superuisors, Surueiors, or Orders of the works for amending of the Highwaies.

2. & 3 Phi. & M. c. 8. & 5. El. c. 13. & 39. El. c. 19. Vpon the sir daies appointed for working in ỹ highwaies, in such sort as is before declared in ỹ 7. articles of ỹ churchwardens office, euery person for euery plowland in tillage or pasture ỹ he or they shall occupy in the same parish, & euery other persõ kæping ther a draught or plow, shall

waines & lend, at euery day & place to be appointed for the amending of the waies in the parish as is aforesaid, one waine or cart, furnished after the custom of the countrey, with Oxen, horses, or other cattel, & all other necessaries, meete to carrie things conuenient for y purpose, & also two able men w y same vpon pain of euery default, making default x. shillings. And euery other householder, & also euery cotager & labourer of that parish, able to labour, and being no hyred seruant by the yeare, shal by themselues or one sufficient labourer for euery of them, vpon euery of the said fiue daies, work & trauel in the amendement of the said highwaies, vpon paine of euery person making default to loose for euery day twelue pence. And if the carriages of the parish or any of them shal not be thought needful by the superuisors to be occupied vpon any of the said daies, that then euery such person that should haue sent any such carriage, shal send to the said worke for euery carriage so spared, two able men there to labour for that day, vpon paine to lose for euery man not so sent to the said worke xij. d. And euery person & carriage aboue said, shal haue & bring with them such Shouels, Spades, Pickes, Mattocks, & other tools & instrumets, as they do make their owne ditches and fences withal, &

such

such as be necessarie for the said wo[illegible]
And all the said persons & carriages shall
do and keepe their workes, as they shall be
appointed by the said superuisors, or one
of them viij. houres of euery of the saide
daies, vnlesse they shall be otherwise li-
cenced by the said superuisors, or one of thē.

From hencefoorth it shall and may be
lawfull to all and singuler superuisor and
Superuisors and orderers of the workes
for the time being, for the amendment of
the said highwaies, thereunto elected and
appointed, according to the statute made
in the second and third yeare of king Phil-
lip and quēne Mary, for the better repa-
ration and amendment of the highwaies
within their seuerall Parishes and limits
where they shall be so made superuisors
(if it shall be so to them thought necessa-
rie) to take and carrie away of the rub-
bish, or smallest broken stones of any
Quarrie or quarries lying or being with-
in the parish where they shall be superui-
sors without licence, controlment, or im-
pechment of the owner or owners, so
much as by their discretiōs shal be dēmed
and iudged necessarie to the amendment
of the said wais. And yf for default of any
such Quarrie or Quarries, it shall and
may be lawfull for euery such superuisor
or superuisors, for the vse aforesaid, in the

of any person or persons, being within ỹ parish, & limits where they shal be Surueiors, & nigh adioyning to the way or waies wherin such reparatiõs shal be thought necessary to be made, and wherein grauel, sand, or sinder is likelie to be found, to dig or cause to be digged, for grauel, sand or sinder, & likewise to gather stons lying vpõ any lands or groũds within the parish, & mat to be vsed to such seruice & purpose, therfore to take & carry away so much as by discretion of the said surueiors shal be thought necessary to be imploied in ỹ amẽdmẽt of ỹ said hie waies. Prouided alwaies, ỹ it shal not be lawful to any such Surueior, or surueiors, by vertue of this act, to cause any rubbish to be digged out of any quarrie or quarries, but only shal ertẽd to such rubbish as shall be found there ready digged by ỹ owner or owners of the said quarrie or quarries, or otherwise by his or their licence & commandement, nor shal not extend to giue authoritie to any Surueior or Surueiors to dig or cause to be digged, any grauel, sand, or sinder in the house, garden, orchard, or medow, of any person or persõs, nor that it shalbe lawful by this act to any such Surueior or Surueiors to cause any more pits to be digged for grauel in any seuerall or inclosed groũd then one only,

ly, & that the same pit or hole so digged for grauel as is aforesaid, shal not by any way be in bredth or lēgth aboue 8. yards at the most. And that euery such Superuisor as shal cause any such pit to be made, & digged for grauel, sand, or sinder, as is aforesaid, shall within one moneth next after any such digging or pit made, cause the same to be filled, and stopped vp with earth, at the cost and charges of the Parishioners, vpon paine to forfeit to the owner and owners of the soyle, wherein any such pit shal be made and digged, for euery default, fiue markes.

5. El. c. 13. From henceforth, euery such Superuisor & Superuisors, as aforesaid, shall by force of this act, within the parish or limits where he or they shal be Superuisors, haue full power & authoritie to turne any such water course, or spring of water, being in any of the said highwaies, into any ditch or ditches, of the seuerall ground or soile of any person or persons whatsoeuer, next adioyning to the said waies, in such maner & forme, as by the discretions of the said Superuisors shall be thought meetest and most conuenient.

Such Superuisor or Superuisors for the time being, within one month next after default or offence, made, done, or committed by any person or persōs, cōtrary to the proui-

ꝓuision, purpoꝛt, & true meaning of the eſtatut made (cõcerning highwaies, in the ſecond & third yeare of K. Philip & Q. Mary, ſhal preſent euery ſuch default oꝛ offẽce to ỹ next Iuſtice of peace foꝛ ỹ time being, vpõ paĩ to forfait foꝛ euery ſuch default & offẽce, in ſuch foꝛt not by the preſented, xl. s.

Euery perſon oꝛ perſons (except ſuch as ſhal dwel in ỹ citie of London) that ſhall be aſſeſſed to ỹ paiment of any Subſidie to his Maieſtie to v. l. in goods, oꝛ xl. s. in lands, oꝛ aboue, during all ſuch time as he ſhal ſtand ſo aſſeſſed & not altered, & being none of the parties chargeable foꝛ the amendment of highwaies by any foꝛmer law, but as a cottager, ſhall find two able men yearly to laboꝛ in the highwaies, at ſuch daies & times, as by ỹ ſeueral ſtatuts therof are limitted & appointed. And euery other ỹ hereafter ſhal occupie a plough land in tillage & paſture, lying & being in ſeueral pariſhes, ſhal be chargeable to the making of the waies within the pariſh where he dwelleth as far foꝛth, & in ſuch maner & foꝛme, as any perſon hauing a plough land, in any one pariſh, is oꝛ ought to be chargeable, by reaſon of the ſaid foꝛmer ſtatuts, oꝛ either of them. And euery perſon oꝛ perſons, occupying & keping in his oꝛ their hands oꝛ poſſeſſions, ſeuerall oꝛ diuers plowlands, as aforeſaid in ſeue-

rall

tall or diuers townes, shall be charged to find in each towne or parish (where the plowlands being in his occupying be lie) one cart, waine, tũbrel, dung pot, or court dods, carres, or drags, furnished for the amendment & repairing of the highwaies, within the seuerall parishes where the said plough lands do lie, in such maner & forme, as if he or they were a parishioner dwelling within the parishes, where the same seuerall plough lands do lie.

Euery person or persons, that shall not repaire, ditch, or scowre, any haies, fences, ditches, or hedges, adioyning to any highway, or cõmon cairing way, or shal not cut down or keep low al trees & bushes, growing in, or next adioining to any the said ways, according to y true intent and meaning of the Act made in the 5. yeare of the late Q. Eliz. raigne, for euerie offence cõmitted therin cõtrary to y true intent thereof, shal forfait & lose for euery default x. s. And al & euery person & persons, y shal occupy any lãds adioyning to y said ground, so adioyning to any such highway, or cõmon cairing way, where any ditching, or scouring should or ought to be, as also the said, shal frõ time to time, as need shall require, ditch & scower in his or their ground so adioyning, whereby the water conueied from the said highway, or comõ cairing

way

Lay ouer the grou̇d next adioyning, may haue passage ouer the said ground, so next adioining to that ground, vpon paine of forfaiture for euery time so offending, for euery Rodde not so ditched and scoured, xij.d.

No person or persons hauing any ground by lease or otherwise, adioyning to any highway, or common fairing way, leading to any Market towne, shall cast or scowze any ditch, and throw, or lay the soyle thereof into the highway, and suffer it to lie there by the space of fiue Monthes, to the annoyance of the saide highwaie, or cõmon fairing way, vpon paine of forfaiture for euery load of soyle, so cast into the highway, or common fayring way, in Ditching or scowring twelue pence. And where any heretofore haue bin so cast into the highway, or cõmon fairing way, that there is a bank betweẽ the said way & the ditch, it shal be lawful for the Surueiors & two Yemen, by the lawes and statutes of this Realme, appointed for the amendmẽt of the said waies, to make sluces, or other deuises by their discretions, to conuey the water out of the said way into the ditch: any law, right, interest, custom, or vsage, to the contrarie notwithstanding.

Euery penaltie, summe or summes of money forfaited for any cause within the

statute,

statute, shal be leuied in euery parish by ỹ Surueyors of the waies within that parish for the time being, by distresse & sale of distresse, in manner & forme, as fines or amerciamẽts in Leetes haue bin vsed, & the money so leuied, to be imployed vpon the high way or common fairing way, where the offence was committed. And if ỹ Surueyors shall not or will not leuy & employ the same within one yere after the offence so committed, ỹ thẽ the said sum or sums, forfeiture or forfeitures, shall be leuied in form aforesaid, by ỹ Cõstables or Churchwardens of the towne or parish where the worke ought to be done in ỹ high-way (as is aforesaid) & ỹ he or they so leuying any of the said penalties or forfeitures, shall make & yeld such account as is appointed in ỹ beforerecited statuts, or either of thẽ.

39. El. ca. 19 In the Weald of Kent, Sussex, and Surrey, the Surueyors within ỹ parishes wher the Highwaies shal be most annoied, shall (in default of appointmẽt by ỹ Iustices of peace) assigne & appoint in what places of the Highwaies there, the Sinder, grauell, stone, or chalke, (to be carried by ỹ occupiers of yron workes) shalbe laied & bestowed: vnder ỹ pain of xl. s. of euery such Surueyor for euery such default, and they shal make demaund of the forf. of money to be paid in default of such carriages: and shall

Wealdish wayes.

...every such default of carriage, or paiment, at the next Quarter Session of that County, vpon like paine of xl. s. for euery default by them.

The Office of the Distributers of the prouision for the destruction of noysome Fowle and Vermine.

THese Distributers beeing so chosen, and hauing mony (as is before shewed in the 13. article of the Church-wardens office) shall giue & pay of the same money so to thē deliuered to euery person ỹ shall bring to them any heads of old Crowes, Choughes, Pyes, or Rooks takē within ỹ seuerall pariches, for the heads of euery 3. of them a penny: & for ỹ heads of euery 6. yong Crowes, Choughs, Pyes, or Rooks taken, as is aforesaid, a peny: & for euery 6. egges of any of thē vnbroken, a peny: & likewise for euery 12. Stares heads a peny. All which said heads & egges, the said Distributers in some conueniēt place shall kæpe, & shall euery month at ỹ least bring forth the same before the said Churchwardens and tarors, or three of them, and thē & there to thē shall make a true account in writing, what mony they haue laid forth and paid for such heads & egges, & for the heads of such other rauenous birds & vermine,

8. El. ca. 15. & 14. El. ca. 11. & 39. El. cap. 18.

mine, as are hereafter in this act mentio-
ned: that is to say, for euery head of Mer-
ton, Haukes, Furlekite, Moldkite, Buz-
zard, Scag, Cormorant, or Ringtaile, 2.
d. and for euery two egges of the, a peny:
for euery Iron or Dspraies heads 4. d. for
y head of euery Mawdwal, Pie, Jay, Ra-
uen, or Kite, a peny: for the head of euery
bird, which is called y Kings fisher, a pe-
ny: for y head of euery Bulfinch, or other
bird, y deuoureth the blouth of fruit, one
peny: for y heads of euery Forc, or Grey,
12. d. and for the head of euery Fitchewe,
Polcat, Weasel, Stote, Faire, Badge, or
Wildcat, a peny: for the heads of euery
Otter, or Hedgehog, 2. d. for the heads of
euery 3. Rats, or 12. Mice, one peny: for y
heads of euery Moldwarpe, or Want, an
halfe peny: for the heads of euery which
birds & vermine last mẽtioned, y last Di-
stributers shall likewise pay & giue to the
bringer of the, for euery head killed & take
within their seueral parish, as before is li-
mitted, & shal kepe the same to be shewed
forth vpõ their account, in maner & forme
as is aforesaid. All which said heads & egs
shalbe forthwith after such account made
in the presence of y said Church-wardens
and Tarors, or of thre of them, burned,
consumed, or cut in sunder.

And if vpon any account to bee made

in

the end & determination of the office of any such Distributers, it shall appeare that any summe of money is remaining in the hands of the said Distributers, or any of thē, then the same shalbe by bill indented, as is aforesaid, deliuered ouer to such persons, as be or shalbe elected to the same office, for the yeare next following, by thē to be distributed as is aforesaid. This shall not in any wise extend, to giue any libertie or authority to any person or persons, to vse or exercise any meanes or engin, for ỹ destruction of crows, or rookes, choughs, or other the vermin aforesaid in any place or places, to ỹ disturbāce, let, or destructiō of the building or breeding of any kinde of hawks, herons, egrittes, paupers, swans, or shouelers: or to the hurt & destruction of any doues, doue-houses, dēre, or warrē of conies, nor extend to giue or appoint any sum̄ or sum̄s of mony to be giuen, paid, or distributed to any person or persons for ỹ head or heads of any buzzard, ring-tayle, herne, polcat, fitchew, or stote, take in any parke, warren, or ground, imploied to the maintenance of any game of conies, or to any stares taken in doue-houses, nor to ỹ killing or bringing the head of any kite, or rauen, killed in any city or town corporat, or within two miles of the same.

FINIS.

t[fu]' mrder ... fit
portare patrem a ... tanfe ex dom ... co
proprio m. fr.z ... trem, contra bonum fide
mi alio locum ... de moritur f. 238